



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Minutes of the March 10, 2004 meeting of the
Commission on Governmental Ethics and Election Practices
held in the Commission's Meeting Room,
PUC Building, 242 State Street, Augusta, Maine

Present: Chair Andrew Ketterer; Hon. James O. Donnelly; Hon. David N. Ott. Staff:
Executive Director Jonathan Wayne; Counsel Phyllis Gardiner; Administrative
Assistant Kendra Danforth.

At 9:17 a.m., Chair Ketterer convened the meeting. The Commission considered the
following items:

Agenda #1 – Ratification of Minutes of February 11, 2004 Meeting

Mr. Donnelly moved, Mr. Ott seconded, and the members voted unanimously to adopt the
minutes of the February 11, 2004 meeting as presented by the Commission staff.

Agenda #2 – Report on Ethics Commission's Request for the Maine Clean Election Fund
The Commission director informed the members that the administration had included in its
supplemental budget bill language that would provide the Maine Clean Election Fund with
an advance of \$1.5 million on September 1, 2004 from funds that otherwise would be
received on January 1, 2005. This will provide the Fund with sufficient resources for the
2004 elections.

Agenda #3 – Report on Participation in the Maine Clean Election Act

The Commission director reported that 272 candidates had declared an intention to
participate in the Maine Clean Election Act, which represented 83% of the current
legislative candidates in the 2004 elections. These numbers will change as more
candidates file papers with the Commission. Chair Ketterer observed that the percentage
of 2004 candidates participating in the MCEA continued to be higher than in 2002.

Agenda #4 – Proposed Meeting Dates

Chair Ketterer proposed that the Commission tentatively plan to meet on the dates listed in
a memo prepared by the Commission staff. Mr. Donnelly agreed to the dates, except that
he will be unavailable on August 11 and available only by telephone on May 26.

Agenda Item #5 – Update on Appointments to Commission

The Commission director reported that he had been in touch with the staff of the Governor's Office and the Legislative Leaders. Those offices are aware that Terrence MacTaggart's term had expired, and that a list of three individuals would need to be submitted to the Governor. Senate President Daggett has submitted a list of three individuals to replace Alan Harding. Mr. Ott stated that he was running for the Legislature and that once he becomes a candidate, he will no longer be able to participate in meetings as a member of the Commission. Chair Ketterer observed that Mr. Donnelly had one year remaining in his term.

Agenda Item #6 – Other

Omissions in Campaign Finance Reports

The Commission director stated that the staff had begun to see semiannual campaign finance reports filed with the Commission that omitted information that is statutorily required or, if not required by statute, is requested on the Commission forms. The Commission members looked at some examples of incomplete reports filed in January 2004 that did not include contributors' employment information or the Schedule G which summarizes the candidate's receipts and expenditures for the entire campaign.

The Commission director noted that the Commission Rules authorize the staff to send a follow-up letter to a candidate who has filed an incomplete report, and, if the omission is not corrected within 15 days, to place the incomplete report on the agenda of the next meeting of the Commission. Chair Ketterer stated that this might encourage candidates to report complete information. Mr. Donnelly recommended that the staff gently remind candidates in the follow-up letter that the information is required under the law, and that the Commission Rules require the staff to bring incomplete reports to the attention of the Commission members. Mr. Ott suggested the letters would educate candidates who may not understand the requirements. Chair Ketterer proposed that a report that lacked minor information should be accepted for filing, and that copies of the pages with missing information should be sent to the candidate to request the omitted information.

Personnel Decision

The Commission director informed the members that he was reconsidering an earlier recommendation to hire a full-time computer programmer for the staff of the Commission. For some time, the Commission has been authorized in the Election Law to hire an attorney. A 2003 change in the Election Law (recommended by the prior director) permitted the Commission to hire a computer analyst instead of an attorney. The Commission director requested advice on hiring a staff attorney/deputy director, who would assist the director in a number of managerial tasks such as recommending changes in the Election Law or Commission Rules, conducting enforcement actions, and drafting explanatory materials.

Mr. Donnelly expressed that he likes some aspects of the current operations, including Assistant Attorney General Phyllis Gardiner's role as the institutional memory of the Commission. He pointed out that a deputy director handling administrative functions did not necessarily need a legal background, and that the Commission's hiring decisions would be reviewed the next time the Commission's budget is considered by the Legislature. The Commission director responded that he had discussed the matter with Ms. Gardiner, and that he hoped that her role would not change other than occasionally he would turn to the deputy director rather than Ms. Gardiner for informal advice on legal interpretations.

The Commission members discussed what kind of position would best complement the current staff. The Commission members tabled the matter until a future meeting.

Commission Biographies

The Commission director stated that the staff was in the process of redesigning the Commission Web site. He asked whether the Commission members wished their biographies to be posted on the Web site. The Chair stated that the Commission members previously had been asked for biographies and suggested that the members forward biographies to the Commission staff.

There being no further business, the Commission adjourned.

Dated: April ____, 2004

Respectfully submitted,

Jonathan Wayne
Executive Director